REMARKS

A Supplemental Information Disclosure Statement accompanies this reply. Upon entry of the present amendments, claims 9-13 and 15-16 will remain pending. Claim 16 has been amended to further clarify the invention, support for which can be found throughout the specification.

Claim 16 has been rejected under 35 U.S.C. § 102 as allegedly being anticipated by Malin (U.S. Patent No. 6,167,597). Claims 9-11 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Malin in view of Bentsen (U.S. Patent No. 4,673,383). Claims 12-13 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Malin in view of Bentsen and further in view of Custer (U.S. Patent No. 5,216,787). Claim 15 has been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Malin in view of Kapperman (U.S. Patent No. 6,004,032).

Claim 16 has been amended to recite a "median plane of separation lying between" the two elements of the fastener. In the case of a preferred embodiment described in the application specification, this plane would appear as a horizontal line in the figure lying midway between the body portions 18 of the two elements 12, 14 of the fastener. Amended claim 16 also recites that the engagement between posts and heels at the contact surfaces thereof takes place in regions lying to respective opposite sides of the median plane and offset therefrom in directions perpendicular thereto, the contact surfaces also being angled relative to the median plane.

Thus, in a preferred embodiment, the contact between the post of the lower fastener element (as seen in the application figure) and the heel of the upper element takes place at a location offset upwardly from the median plane, while the contact between the post of the upper element and the heel of the lower element takes place at a location offset downwardly from the plane.

The arrangement of claim 16 has been found to be advantageous and effective in protecting the interengageable profile members from compressive forces created during attachment of the fastener to a supporting substrate. This is because the posts and heels form a shape-locking configuration as described in the present application at page 3, lines 16 to 22 and page 1, line 29 to page 2, line 3 and recited in claim 16. This configuration forms a protective "box" around the interengaging fastener elements.

35 U.S.C. §102 Rejection based on Malin

The Office Action asserts that Malin anticipates claim 16 under 35 U.S.C. § 102(e). Applicant respectfully transverses this rejection. Applicant disagrees with the Office Action's assertion that the high compression members Malin anticipate the heels and posts of the present invention. [1] Without conceding the propriety of the Office Action's assertion, however, Claim 16 has been amended to even more clearly recite the relationships of the claimed heels and posts.

The Malin patent fails to teach or suggest the contact between the posts and heels as recited by amended claim 16. Specifically, Malin fails to teach or suggest "the first and the second pairs of contact surfaces [that] lie to respective opposite sides of a median plane of separation lying between the first and the second body portions, the contact surfaces being angled relative to the median plane and offset therefrom in respective opposite directions perpendicular thereto."

In fact, with reference to the individual embodiments of the Malin patent, in Figure 1, the angled contact surfaces of the marginal high compression members 28 and 32 of the respective fastener parts lie to both sides of the median plane and are not offset therefrom.

As for Figure 2A, the contact between the marginal "high compression members" 42 of one fastener element and the body portion of the other fastener element takes place in regions both lying to the same side of the median plane of separation and, moreover, along surfaces which extend parallel to the median plane rather than being inclined thereto.

In the fastener of Figure 2B, the contact between the high compression members 48 takes place at the median plane and, moreover, does not take place over surfaces angled thereto.

Figure 2C shows the contact between the marginal high compression members 54 and the base member of the opposing fastener element taking place at opposite sides of the median plane but at surfaces which are parallel to that plane.

In Figure 2D, the contact that takes place at the margins of the fastener takes place at the same side of the median plane.

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1 Applicant notes that the "post" and "heel" elements of claim 16 are structurally distinctly from each other. As such, Applicant asserts that the office action's characterization that identical elements of the Malin fastener simultaneously anticipate the distinct post and heel claim elements is misplaced.

As to Figure 2E, contact takes place along lines of contact, all three of which lie to one side of the median plane of separation.

In Figure 2F, contact takes place at the margins of the fastener at the same side of the median plane of separation and, moreover, along surfaces which are parallel to that plane.

Looking at Figure 2G, there is no contact at the margins of the fastener; the contact which does take place is in the central region, at surfaces extending parallel to the median plane of separation.

Finally, in Figure 5 the contact again takes place at surfaces which lie in or to the same side of the median plane of separation.

In light of the foregoing, none of the embodiments of Malin teaches or suggests an arrangement as claimed in amended claim 16. The present invention involves an engagement between the fastener parts at the margins of the fastener, such contact forming, by way of the angled contact surfaces between the post at one fastener part and the heel of the other and between the heel of the first part and the post of the other, a shape-locking configuration which is resistant to the crushing forces of the attachment of the zipper to the substrate in use.

The present invention therefore has advantages over the fastener which is the disclosure of the Malin patent, which disclosure in no way renders the present invention anticipated or obvious in combination with the other cited art.

All the dependent claims contain all the features of claim 16 and therefore distinguish from the cited references for the at least the reasons given above.

In light of the foregoing, Applicant asserts that Malin and the rest of the cited art fail to teach or suggest all of the elements of claims 9-13 and 15-16. None of the cited art discusses engagement between posts and heels at contact surfaces taking place in regions lying on opposite sides of a median plane located between two elements of a fastener and offset from the plane in directions perpendicular thereto, the contact surfaces also being angled to the plane. As such, this application is in condition for allowance. Applicant invites the examiner to contact the undersigned at (215) 557-5965 to clarify any unresolved issues raised by this response.

Date: December 7, 2004

Karen Millane Whitney

Karen Millane Whitney
Registration No. 52,355

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439